

THE
S P E E C H

OF

The Right Hon. C. J. FOX,

IN THE HOUSE OF COMMONS,

On TUESDAY, MARCH 2d, 1790,

UPON HIS MOTION FOR

THE REPEAL

OF THE

Corporation and Test Acts.

L O N D O N :

Printed for J. RIDGEWAY, York-Street, St. James's
Square, 1790.

THE
S E E C H

The Right Hon. J. R. O. J.

IN THE HOUSE OF COMMONS

ON THE 11th JANUARY 1871

BY MR. J. R. O. J.

AND MR. J. R. O. J.

OF

THE HOUSE OF COMMONS

AND

THE HOUSE OF LORDS

IN

S P E E C H

O F

The Right Honle. C. J. FOX,

&c. &c.

MR. Fox moved, That the act of the 13th of Charles II. for the well governing and regulating corporations, and the act of 25 Charles II. for preventing dangers which may arise from Popish Recusants, &c. may be read.

The same being read by the Clerk at the table, Mr. Fox moved, That he have leave to make a motion, it being past four o'clock. The same being granted, Mr. Fox rose, and spoke as follows :

Sir,

THE expectation which the question I am now about to move, has raised in the House and in the
B. country,

country, renders it necessary that I should preliminarily say some words concerning the motives which influence my conduct on this day. Upon former occasions, and when this question was agitated, I did not appear in the same prominent situation which you now behold me in; but where the cause of truth, of liberty, and of justice was concerned, I could not refuse myself to the pressing solicitations of a numerous and respectable body of citizens, who requested me to assume the task, or to engage in the duty of restoring them, if I could, to the rights which were withheld from them.

This cause, indeed, had been very ably supported in the last session, by an Honourable Gentleman (Mr. Beaufoy); and to him I still wished it should be again referred. I have not obtruded my services; I have only yielded to a request which was made to me; and if I may be permitted to indulge an honest triumph, I may say, that an application from the Dissenters, who, upon some very late and important occasions, have zealously opposed me,—I say, such an application, under such circumstances, affords me the most flattering testimony of the integrity of my conduct, and of the esteem and approbation which has resulted from it.

In the discussion of the present topic, I shall rather conform myself to the importance, than to the difficulty,

culty, of the subject; and however the opinions of the moment may be turned, in prejudice to the proceedings of a neighbouring nation, I must think that they have acted both wisely and prudently, when they have remounted into a re-examination of first principles; from whence, as from a purer fountain, to deduce their reasonings, and to apply their institutions. I shall therefore, upon this occasion, enter into an examination of principles.

If it is once admitted, that from the religious opinions of men, we may deduce consequences unfavourable to their conduct in civil life, it will follow, that persecution, the very name of which inspires us with horror, is systematical and consistent. Upon this ground, the massacre of Paris, the fires of Smithfield, are fairly defensible; and the wildest excesses of savage intolerance may be justified. For if we may suppose, what is really the case, that the end of civil government, and of political institutions, is to make mankind happy in society, by restraining the actions of bad men, and rendering the conduct of every part subservient to the good of the whole, it will follow, should this principle once be admitted, viz. "Let me know your opinions, and I shall know what your actions will be;" that where any description of persons should arise in a state, entertaining

opinions

opinions different from the established ones, such persons would be cursed with such an incurable deformity of character, their very natural existence would be inconsistent with the general good of the whole; since their actions, flowing from different sources, would disturb the harmony, and counteract the very end of society; that self-preservation would authorise and enjoin their destruction, by the most radical means.

It is from these conclusions, fair and allowable, if the principle itself were good, that the spirit of persecution has ever drawn the exterminating sword. To change the opinions of men is always difficult, sometimes impossible; and when these opinions lead necessarily to consequences subversive of society, can it be doubted that the right of the community would supersede the right of a few individuals, and that a part rather than the whole, should perish: by lopping away the corrupted members, a fatal evil would be removed, and posterity would be freed from the hereditary taint.

We are told by Mr. Locke, that madness reasons right from wrong principles; nor is this less the case with persecution: the principle is wrong, but the reasoning is right.

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If we should search for the sources in the human mind from whence persecution is derived, we shall easily trace it to that proud dogmatical conceit, which disdaining, even in cases the most dubious, all search and enquiry, is satisfied with whatsoever opinions accident, education, custom, or prejudice may have thrown in its way.

These alone it supposes legitimate; whatsoever opposes these is to be branded with reproach, and exterminated by violence: though if people who are the most attached to their opinions would only consider for a moment the *mutual* persecutions which different religions have inflicted, accordingly as the powers of government have inclined to one or to the other; and that consequently both persecutions could not be just, though either party has at the time been fully convinced of the justice of its own cause. — I say, that such people would remit in part the obstinacy of their conceit; they would know that in others an equal obstinacy upon dogmas of religion was opposed to theirs, and that the imperfections in human judgment, and the chances of error, might as well incline to their own as to the other side, when the numbers were equal, and where the obstinacy and conceit was equal.

It is indeed from this false principle, viz. that a knowledge of peoples conduct was to be deduced from a knowledge of their opinions; that those religions which have been the most christian have been the most persecuting; and thus the spirit of this institution (one principal evidence in favour of the truth of which, consists in the humanity of its precepts, and in its tendency to render all men happy, even in this life) has been perverted from its original design; for it would be naturally supposed that those wretched people, who were destined from their opinions to disturb society in this life, and to suffer punishment in the next, should be delivered over to the executioner before the measure of their crimes was completed, and that the most effectual means should be used to prevent the stream of posterity from being poisoned by their stains.

It is upon this account that the Roman Catholic religion has been more bloody in its persecutions than any other; whereof sufficient examples might be produced from neighbouring countries.

The principle which I mean to contrast with persecution, is toleration; a principle, which, at this enlightened time, and before this House, it is scarcely
 necessary

necessary to enlarge upon ; a principle well understood, but which might be carried into better execution.

As persecution is founded upon the proud dogmatical conceit of our own understandings, and our own opinions, so toleration is founded upon the sense of human imperfection, and upon a just diffidence of the opinions we entertain : persecution is founded in ignorance and superstition ; toleration, in religion, in philosophy, and in nature. The one reasoning always *a priori*, whensoever it condescends to reason at all, establishes arbitrary principles, from whence to frame its conclusions, and so long as it can gratify its pride, its arrogance, or its malignity, is careless whether it conforms itself to the reason of mankind, or to the course of nature. The other, conscious of the limited state of human intelligence, reasons only from effects to causes, and beginning *a posteriori*, continues its researches step by step, nor does it quit the prudent track to indulge imagination, or to gratify vanity.

It is from this difference of proceeding, that the two principles of persecution and toleration have derived a conduct so entirely different. If toleration has perceived opinions in others, different from those which are established in the state, she does not reason *a priori* that these opinions must lead necessarily to

actions

actions which the laws of the community have declared to be criminal; she waits patiently for the effects of these opinions, nor does she venture arrogantly to prejudge what cannot be the object of any human knowledge; she rejects the opinions, but she *punishes* only the actions.

Whoever examines the whole creed of the Roman Catholic religion, will find there some points of doctrine, which, if they were literally conformed to, would militate very much with our established notions of right and wrong. But does the friend to toleration suppose from thence, that every Roman Catholic is therefore necessarily a bad man? Does he suppose, that through the many extensive countries in which that religion is established, vice and immorality are also established, and that right and wrong are confounded, because there may be some tenets, some points of doctrine, under whose authority wrong may be committed? If there are any such points or doctrine, is it not more reasonable, and more conformable to the experience of things to suppose, that such inferences as lead to action, are not contained in those doctrines? and that they are only admitted at all, because action is not essential to them? To judge otherwise would be to judge illiberally, and contrary to experience, since it will not be denied, that in general, the duties of
mortality

morality are as well practised in France as in England, in a Catholic as in a Protestant country.

If we consider the influence which toleration has upon society, in respect of morality, we shall be satisfied that the more extensive it is in its operation, the more beneficial it will prove to the state; for in effect, what stronger pledge can there be of the integrity of a man, than that when he has once conceived and been persuaded of the truth of certain opinions, he should be unwilling to relinquish those opinions, and that no temporal advantages should induce him basely to betray the sentiments which cling about his heart! If he acts the part of an honest man, he is upon that account disabled from serving his country; if he acts the part of an unprincipled knave, and abandons those sentiments, he is upon that account, rendered capable of serving his country: and thus it is, that while disabilities are maintained, and fetters are imposed upon mens opinions in matters of religion, political institutions, and the great duties of morality, may find themselves at eternal variance. 2

There can, indeed, be no solecism so great as to apply religious opinions to a man's civil situation. If it was thought necessary for the greater security of a state that any test at all should be established, such a test

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2. This reason appears unanswerable.

should relate merely to civil, and not to religious opinions; a man's civil opinions, it is naturally to be supposed, would influence his civil conduct; but the civil conduct of a man is always connected with the happiness of society. In proportion as this is good or bad, the laws and the constitution are maintained or violated, and the harmony of society is promoted or disturbed. — A man's religious opinions, it is admitted, would regulate his religious practice. The degrees, or the varieties of assent to doctrines; the quantity of faith, and the modes of worship; all these would be peculiarly affected by his religious opinions: but all these bear scarcely any relation with society: they terminate in the individual; not this life, but a future life is concerned; and present existence enters but for a small share in these sublime speculations.

If then it is admitted that religious opinions would connect themselves with a man's civil situation, it must be admitted that our *civil* opinions would connect themselves *a fortiori* with a man's civil situation.

If a test was *proper* in one case, it would be *necessary* in the other: in one case the opinions would operate by a direct and immediate influence; in the other, they would act only by a mediate and circuitous influence. But tho' a test may be more proper as to political than

as to religious opinions, I am not for introducing a test in any case : let men only be tried by their actions, certain it is that the test and corporation acts are no kind of security constituted as they are at present. The members of this House who are delegated to the highest trust that can be filled, are not subject to their operation ; and the principles of those who are to make the laws, go entirely unquestioned as to political or religious opinions.

It might happen, that some members in the House might entertain opinions unfavourable to liberty : such opinions entertained by such people, would be certainly alarming ; but did the provisions of these acts extend to members of the House, would they at all affect these opinions ? Would they supersede them by any new obligation ? Certainly they would not. If then any test at all is proper, a new kind of test should be framed, whose provisions should be more efficacious.

Sir, On every question where any doubt or difficulty occurs, if we can suppose this to be such a question, it is proper, after having mounted up to a general principle, not to depart from that principle in favour of partial propositions. Whatever merit then may be ascribed by some to the Dissenters, or whatever demerits may be

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imputed by others, neither the one nor the other can apply to the justice of their claims.

I will admit, for a moment, that the character of the Dissenters, as delivered by history, or as acknowledged by experience, does not in general command the esteem and approbation of their fellow-citizens. I will admit the extreme case, that ninety-nine in a hundred may have even deserved ill of the community of which they are members; but this will not yet force me to admit that the inflexible rules of justice should give way, and that those who have not deserved ill of their country, few as they are, should be punished with disability, for the sake of those who have deserved ill.

But I admit all this against the Dissenters, only by way of argument; certain it is, if I were to state impartially their character and their conduct, we should find a great overbalance of merit in both. Their opinions concerning civil liberty deserve the warmest approbation; and they have always been firm and ready supporters of the established constitution. In the times of danger, when our present happy settlement was threatened by the invasion of the Pretender, Did they increase the distraction of the moment, by urging factious claims, or, did they take
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any advantage, in favour of their rights, of the weakness and terror which prevailed? No; they even forgot their disabilities; and the memorable years of 1715 and 1745, attest their fidelity and their services. But if we would look for a singular inconsistency in the annals of our legislature, we should find it in the consequences which flowed from the conduct of the Dissenters upon those occasions.

The Dissenters had acted contrary to law in serving in his Majesty's forces; it became necessary, then, that they should be indemnified by law for what they had done; and they received an act of pardon for having fought in the defence of their country.

The Irish parliament, indeed, was not satisfied with passing an act of pardon in their favour; but, with a redundant generosity, resolved also, That whoever prosecuted the Dissenters upon these occasions, was an enemy to his country, and a *Jacobite*.

Into such monstrous absurdities are we betrayed by laws founded upon the principle of intolerance: but since we are upon the subject of intolerance, it is proper also that I mention another case, whereof the inconsistency is not less glaring, but much more important, since it is continually operating.

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The religion established in Scotland is the religion of the Dissenters here. The Scotch, then, who serve in the army or navy, or in many other situations, cannot qualify themselves, but by abjuring the religion established in their own country. It is true, indeed, that the courtesy of the times does not require from them such abjuration; but there is yet no law (for I have carefully searched in the statute-book) by which the Scotch are discharged from the penalties of neglecting to take the Sacrament. Those gallant officers, then, who have served their country with so much approbation, have still, according to law, been guilty of a crime which deserves the severest infliction; and they are indebted only to the indulgence or the charity of the times, for escaping the punishment which is due to them.

Let it not be urged, that ancient precedent, particularly precedents taken from the glorious reign of king William, should discharge us from any obligation of justice to the Dissenters. It is very certain, that he even expressed a wish, that the Dissenters should be let into a free participation of the rights of citizens with all his other subjects; and if there were any circumstances which could prevent it at that time, it is very certain that no circumstances exist now, which should have the same influence; but the state of
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our domestic affairs, and the state of Europe, are, indeed, peculiarly favourable to an acquiescence with their claims.

It has, indeed, of late days, been very much the fashion to introduce into this House the discussion of the affairs of France. I am very ready to pay every regard to those affairs which the relative situation of that country demands; but let me not be told that there is any relation between the disorders which prevail in that country, in consequence of the severe oppression under which the people had for a long time groaned, and redressing the grievances under which a numerous and respectable body of people in this country are at present suffering; nor let us be frightened from an act of justice, by extending consequences of remote and improbable danger.

There has been a great cry raised, that the church is in danger; and a party has been formed to support the interests of the church. I must here declare, preliminarily, that I am a friend to the establishment of the church, far from wishing that it should be subverted, I am even anxious that it should be maintained in its privileges, in its property, and in its dignities; nor is there any part of the conduct of the present government in France which I more sincerely reprobate,

reprobate, than the bold seizure which they have made of the property belonging to their ecclesiastical establishment.

The church of England, Sir, may be considered in three points of view; First, as to its doctrinal part, and as to its discipline; Secondly, as it consists of individuals; Thirdly, as it may form a party in the state. As to the doctrine and discipline of the church of England, the contemplation of them will generally give delight to every reasonable mind; and whether we consider the discrimination with which she has rejected the errors and superstitions of the Romish religion; or the prudence with which she has retained the solemnities and the decencies of worship, we shall be equally disposed to admire her wisdom, and to approve her moderation.

As the church consists of individuals, it is impossible to give any general opinion; there must be in that, as in all other large bodies of men, many who are respectable, and some who are not so: but the point upon which I wish principally to state my opinions is, as the church may become a party in the state; and my reason for being the more particular upon this is, that such a party is actually formed, and

and the high church odious, as that name is to every friend to civil liberty, is again rearing her head, and preparing to scatter her poison around.

If we look into the history of the party which has been generally known by the denomination of High Church, we shall find but too much reason to apprehend a revival of those pernicious doctrines, the suppression of which, in the last century, cost this nation a deluge of blood. They were not, however, quite extirpated; at several successive periods they have revived, and the name of the church has been prostituted for their support and sanction. The governing principles of this party consist in passive obedience and non-resistance; and they have not hesitated, with a pious inconsistency, to inflame the minds of people, and to urge them to tumult and violence, in support of these divinities:—Whereof a memorable instance might be found in the reign of Queen Anne, when the cry was raised, and the alarm was given, that the church was in danger during the prosecution of Sacheverel.

Nor has the High Church party been wanting, upon all occasions, to approve itself the faithful adherent of the race of Stewart; whose auspicious reign

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would give an establishment to their doctrines, by setting the powers of government on the side of passive obedience and non-resistance.

It was for this reason, that on the accession of the House of Brunswic, the cry was continued that the church was in danger, and that the purity of religion was still profaned by the voice of faction. In truth this party, powerful as it is by its possessions; respectable, by its numbers; formidable, by its influence; and pernicious, by its principles; has never yet made, and I trust never will make, its appearance in the state, without awakening the jealousy, and exciting the indignation of every friend to civil liberty.

The cry of danger, indeed, is a cry common to all tyrants: the cruelties of Nero, and the bloody suspicions of Tiberius, were instigated by the fear of danger. Nor did they fail to cry out "danger" at the time that they inflicted death.

But if the church is in danger, let me ask from whom? or, from whence it is in danger? The Pretender is no more, and the Pope has lost all his terrors:—

rors : — perhaps there never was a moment when the church enjoyed such complete security.

Is the church in danger from the Dissenters ? From what circumstance of their lives or conduct is to be inferred that they propose, as a body, the destruction of the establishment ? or, Are imaginary dangers, in this enlightened age, to be still the cloak for injustice and persecution ?

If, since the affairs of France are now become a favourite topic, and the arguments derived from them are all turned to the dastardly position, that our hands are to be tied, and we are to deprive ourselves, voluntarily, of all action, lest by some remote or improbable (I will not call it impossible) contingency, the same tumults and confusion should be transferred to this country ; I say, since the affairs of France are become a favourite topic, if I may be indulged for a moment to draw some arguments from the proceedings there, I would turn the attention of the high church party to the present situation of the ecclesiastical establishments in France ; we there behold a spirit of licentiousness (I think in this instance I may call it so) break loose ; which, without a sufficient regard to the rights of property, has deprived the church at once of all its posses-

sions, and aimed a fatal blow at its consequence and independence. But should we search for the moral causes which have influenced the conduct of the French in this particular, we shall trace them to the haughty and insolent demeanor, to the proud establishments, and to the arrogant spirit of superstitious priests. When these were no longer supported by the powers of government, destruction would quickly fall upon the fabric which had been so scornfully erected, and a sense of resentment would weaken in every bosom the sentiment of justice.

I would therefore advise those who use every opportunity of crying out that *the church is in danger*, to take example from their brethren in France, to be convinced that no harm can happen to the church by giving up its proud pretensions; to know that the scattering the blessings of toleration, and relieving as far as their efforts could do it, the grievances of the common citizens of the same state, *is not endangering the church*, since by pursuing a different conduct, the establishment in France has been brought into its present crisis, of difficulty and danger.

But the Dissenters have formed a party in the state, say you. Do you wish that the Dissenters should no longer form a party? Admit them to the participation of
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equal privileges with their fellow citizens. While they are excluded from offices of trust and of profit, they are formed into a party by that very circumstance, viz. that they are excluded; they must remain a party by act of parliament, or else they must renounce the feelings and the passions of men. What objections then can now remain to admitting the Dissenters to all the privileges of citizenship? They aim no blow at the establishment of the church. If they are a party, it is from irresistible impulse that they are so; and they will cease to be such, as soon as you have performed your part.

Our doctrines are threatened, say you; morality is in danger, from the prevalence of their opinions. Weak and foolish suggestions! As if, whatever might be the particular modes or degrees of faith, whatever speculative differences might arise, the great practical end of morality was not equally the object of the religion of the Dissenters as well as of that of the church of England!

But these terrors concerning the doctrines of the church have no foundation in reality, they are even rather pretended than felt; whatever apprehensions are really entertained, apply rather to temporal than to spiritual objects; it is not the security of faith, but the security of possessions which it is supposed would be affected

affected by granting to the Dissenters a participation of the rights of citizens. But are these acts really a security to the establishment? We have in this very House members who avow themselves to be Dissenters, and for aught I know, there may be noble lords in the other House, who may equally avow themselves to be of that persuasion.

The provisions of the Test Act do not reach to either of the Houses of parliament. The fountains of Legislation may be corrupted, and all your safeguards might be swept away in an undistinguishing ruin. Whence then all these pains taken, all these guards imposed, to prevent a Dissenter from being an exciseman, when no pains have been taken, no guards imposed to prevent him from acting in the capacity of a legislator? Is it that an exciseman can be a more formidable enemy to the establishment of the church than a member of parliament? Or is it that laws, founded in the spirit of intolercancy are also founded in the spirit of absurdity and folly, and must be ever inconsistent, and at variance even with their own principle?

I have now in my view a Right Honorable Gentleman who has openly professed himself, and in former times has acted under that profession, unfriendly

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to the present constitution of this House; but we see him now in the enjoyment of the highest situation, and of all the power which a most extensive patronage, and a long possession can confer; yet, with all these circumstances of advantage of his side to bring his opinions into action, and to procure a more equal representation of the people, do we find that any alarm is taken by those who are ready to cry out upon all occasions against innovation? Or do we find that *that* Right Honorable Gentleman feels any the smallest embarrassment, on account of his opinions from those who support him on all other occasions, but would not support him on this, and yet leave him in quiet possession of a situation, which might facilitate the execution of a design, which they look upon to be a dangerous innovation?

A noble Duke has projected, for the sake of a more equal representation of the people, that every person in the kingdom, whether rich or poor, whether fixed or vagabond, being above the age of eighteen years, should have an equal vote for the representative of the nation; we do not however object to that noble Duke retaining his situation as Master General of the Ordnance, because he entertains this opinion: nor should it be a reason because Dr. Priestly has openly and manfully professed

professed his opinions concerning the establishment of the church, that he should be excluded by the rigours of a test from any office or situation which his merit, his abilities, or his fortunes might procure for him. I think then I have left no ground of danger by which the church might be affected, untouched.

If ever there has been any cause of alarm to the church, I defy them to produce, now, any existing cause. They cannot be afraid of the establishment, because those whose situation would enable them to operate immediately and directly upon the establishment (I mean the members of parliament) are placed beyond the reach of the obnoxious provisions; neither can the Pope or the Pretender co-operate with the Dissenters, who have themselves much decreased in numbers, and consequently in influence, for the subversion of the church of England. By what imaginary dangers, then, are we now to be prevented from doing an act of justice, and expiating the crime of the legislature? A circumstance very worthy of observation; and which I have before had occasion to remark, in several instances, is the perpetual inconsistencies into which we have been betrayed by these laws. The principle on which these acts (I mean always the Corporation and Test Acts) were founded, was the truth of the doctrines of the church of England;—because, if this principle

principle was received, the passing such acts would militate with those eternal obligations by which all human institutions should be controlled; but when the act of union was passed, two churches, each differing in its doctrines from the other, were established in different parts of Great Britain.

The act itself declared, in terms of true liberality, that "It did not become a legislature to enter into abstruse disquisitions concerning points of religious doctrine;—that was best for either country which had been established and received by common consent; and therefore the religion of the Dissenters, which was branded as heretical, and subjected to the severest penalties in England, was declared to be the true and established religion of Scotland. Thus it is, that the same legislature has declared that two religions, one differing from the other, are both true, provided they obtain in different places; and the modes of faith have been subjected by act of parliament, to the regulation of local influences. It has been asserted by some, that the repeal of the Corporation and Test Acts could not be effected without a breach of the articles of union, by which they are rendered perpetual. I have, however, as this might have been an objection of some weight, looked into the statute-book, and I there find that these acts are expressly *excepted* from the perpetual ones; so

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that this argument being founded in error, is unworthy of any refutation but contradiction.

But what I would wish, Sir, particularly to take notice of, is the excuse which is alledged for the persecuting spirit which framed and maintains the laws against the Dissenters. This excuse is, that the Dissenters themselves are possessed with the same spirit. In persecuting them, we only anticipate them in their own designs of persecution ; and we are justified by the sense of danger, in acting as we do.

This charge is no doubt a grievous one ; but let it be remembered, that as it is always easy to prefer an accusation, it is sometimes difficult to prove one. In order to establish a charge against any body of individuals, it is necessary that we should prove the fact ; or if from the peculiar circumstances of such body of individuals, the fact could not be committed, we may prove that another body of individuals, being of the same persuasion, and possessed of the same sentiments, and having power to commit the fact, did actually commit it. In the one case, a proof would arise from experience ; in the other, a probability would be deduced from analogical reasonings. Now it is very certain, that if the Dissenters were ever so much possessed with the spirit of per-

persecution, they would not, under their present incapacities, be able to act in conformity with that spirit.

I would not resort to the times of violence, when religious differences were exasperated by political animosities: I speak of our own times; for it is with these alone that the repeal is concerned.

There cannot then be any proof from experience against the Dissenters. Let us observe now what probabilities may be deduced from analogical reasonings. If we look to Scotland, we shall there find the religion of the Dissenters the established religion of the country. But in Scotland, where, if this accusation were true, the Test would flourish with a native vigour, we find that there is no Test, no persecution, no disability against the church of Englandmen who are Dissenters in Scotland. We have then a domestic proof, that the spirit of that religion is not a persecuting spirit.

If we look abroad, we shall see a great nation, whose efforts in the glorious cause of liberty we all must admire; and we may admire with the more pleasure, since the dismemberment of that country from the British empire has not proved so serious a loss as was generally predicted of it; I say, if we look abroad, we shall see a great nation affording us an example of the

most extensive and liberal toleration. But some of the most populous states in America consist entirely of those whom in England we should call Dissenters; and the toleration is not less unlimited in those than in the other states which are of a different persuasion. How then will the assertion, that the Dissenters in England are possessed with a persecuting spirit, be established with any reasonable conviction? The fact of persecution cannot be proved against them, because they are too weak to persecute. And if we resort to analogical reasonings, we must acquiesce in the contrary presumption — that they are disposed to toleration, and not to persecution.

If the Corporation and Test Acts were necessary supports of the establishment of the church of England, it would follow as of course, that laws of the same nature would be required as necessary supports of the establishment in Scotland: but, notwithstanding there are no safeguards to protect the kirk, we do not hear that there is any alarm of danger to the kirk of Scotland; nor perhaps is it quite fair, upon a principle of justice, between the two countries consolidated as they are, upon the supposed terms of reciprocity and mutual convenience, that the Scotch should be subjected to penalties and disabilities in England, where they are Dissenters, and that the church of Englandmen should

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be subject to no penalties, no disabilities, but should enjoy an unlimited toleration in Scotland, where they are equally Dissenters from the established church.

But of all other countries where Corporation and Test Acts would be most necessary, perhaps Ireland, from its very peculiar circumstances in respect of the proportion of Dissenters which it contains, would most require such supports. It has been confidently asserted, that not above one fifth of the people of Ireland are of the established church; but we find that Ireland has generously relinquished any supports which are inconsistent with the common rights of mankind; and the repeal of the Test Act in Ireland, about fourteen years ago, notwithstanding what might be deemed the very alarming superiority of the enemies to the established church, has yet left that church in perfect security; in the enjoyments of its honours, its dignities, and of its possessions.

So that it appears, that the repeal of the Test laws in Britain is not a mere speculative proposition; the propriety or the policy of which, it would be left to the various and uncertain course of events to determine. We have already the experience of two countries in favour of it; of one country where these laws never existed at all, and yet the kirk is in perfect security; and

and of another country, which is indeed a case more in point, if it were necessary that it should be so, where the Test having existed, has been repealed; and notwithstanding all the evidences of danger to the church, which peculiarly affected that country, from the relative situation of the Dissenters there, no danger at all has accrued.

Shall we suppose then that the church in Britain, composed as it is of a most numerous and respectable body of men, supported by a multitude of retainers, enjoying large domains, distributed through every part of the kingdom, possessed of an extensive influence, secured by law, and strengthened by the authority of prescription; I say, is it to be supposed that such a body so constituted, so established, would feel the slightest injury from the repeal of laws which, it is proved from experience, were either not necessary at all in their first existence, or, having existed, might be repealed, without any danger or inconvenience?

We may suppose, then, from these arguments, that the danger to the church is merely chimerical; and is no more than a pretence to excuse the evils which intolerance inflicts.

But tho' it should be admitted that the establishment would not be endangered; that the doctrines of the church

church would still remain pure and untainted, by growing heresies; and that morality, and the practice of virtue, would yet be equally diffused through the community, tho' the Test Act were repealed,—there are some to be found who even object to such repeal, from the dread and abhorrence which they entertain to every thing which looks like innovation. But of those who object to innovation, only because it is innovation, however absurd it may be in all, perhaps the church itself acts with the greatest inconsistency. In objecting to innovation, she would destroy the very parent who gave her birth.

There was a time, and that not long since, when the church of England herself was an innovation;—and the same weapon which she now uses against others, might have been successfully employed against herself. I cannot, however, forbear saying on this occasion, that it argues infinite presumption in people to reason against the general principle of innovation: the same argument might have been used at all times; all human affairs would remain without improvement, and the darkness of antiquity would be continued down to the latest posterity. In this country particularly, innovation is not a word which should be held in horror; it has been by perpetual innovations that our present political

political system has received all its perfection; and we should acknowledge with gratitude, that it is only from the wrong application of that principle, and not from the principle itself, that any danger is to be apprehended.

Mr. Hume, whose penetrating understanding, and deep researches, will always render him a valuable political writer; however I may think that he has been sometimes mistaken in his history, has somewhere asserted, that the natural death of the British constitution will be a pure monarchy, to which he supposes we are approaching by easy and insensible degrees: and this he call our euthanasia. Should this be the case, which many may think that it is, we shall certainly find that those means only which have brought our constitution to its present degree of perfection, will maintain it at the same point, and that the liberties of the people will only be preserved by perpetually *innovating* in their favour.

There is, Sir, a curious argument with respect to the subject now before the House, which was suggested in the Lower House of Convocation; a house which fortunately has not for a considerable time back been called together; the question was, Whether, in consequence of the provision by which the sacrament is to be taken,
under

under certain very large penalties, within six months after having accepted of a place, if the party accepting the place should be a person of scandalous life and character, the clergyman had a discretionary right to refuse him the sacrament upon his application? It was determined, that the clergyman had such discretionary right; and that he was not bound under the provisions of the act, however the party himself might suffer, to depart from a conscientious discharge of his sacred duty, by administering the sacrament to a person who was unfit to receive it. That is to say, it was determined that it should remain in the breast of the clergyman, whether a man whose services were required, should or should not render himself useful to the state. If he acted in his office without taking the sacrament, he was subject by law to the heaviest penalties; he could not take the sacrament if the clergyman refused to administer it: and we have here the example of a man who may be condemned without any jury, without any form of trial, unheard, and without appeal, upon the rash presumption of ignorance perhaps, or of malignity.

Who then would suppose, that the repeal of such laws as these, built upon false principles, and pregnant with alarming consequences, would occasion the outcry which is attempted to be raised, and which is

raised? If these are the pillars of the constitution, perish the constitution which is supported by such unworthy means! But our constitution wants not such helps; and she would appear much more lovely, if we could wash away these stains with which she is yet polluted. The truth is, that the acts I speak of would never have been heard of at all, if it had not been for the peculiar circumstances of the times: they were passed in the reign of Charles II. when the recollection of late calamities, aided by a passionate burst of loyalty, had obscured the good sense, and weakened the providence, of parliament. Had they been introduced at any other period, they probably would not have passed; certainly they would not at the time I am speaking; and yet we hesitate to *repeal* a law which we should have disdained to *enact*.

If we consider this matter with a view to morality, an object to which not only the institutions of religion, but also the views of the legislator, should be carefully directed, we shall find it pregnant with consequences equally fatal, as to civil liberty.

We know that the practice of virtue is by no means so strongly maintained as by a steady and pertinacious adherence to principles, which the education of our
parents,

parents, the precepts of religion, or the sentiments of our nature, has instilled in our bosoms. So that we may safely affirm, that when once we begin to give up principles for the sake of convenience, while we are persuaded that those principles are true, a general dissolution of morals must soon be the result of the irreparable breach. Having given up one principle, we shall have little difficulty to give up another; having abandoned even an erroneous one, while we think it is true, we shall soon part with a true principle, to which we can be attached, for no other reason than because we think it is true; and the honest man, who may have begun at first, in the abstract, by doing right, in giving up a principle, must end, by the series of action, in becoming a knave.

Now, the immediate effect of the Corporation and Test Acts is, to strew temptation in the ways of men. It tells them, "If you remain steady to the opinions you have imbibed, you are excluded from offices of trust and profit; your fortunes will not be promoted; your vanities will not be gratified. If you abandon the opinions you have imbibed, the principles you have been educated in, we receive you with open arms; you are worthy of offices of trust and profit:" and thus the individual is promoted in proportion as he is less worthy to be promoted; vice is recom-

pened, virtue discouraged, and a complete subversion of morals would naturally be the fruit of these auspicious regulations.

In truth, the connecting a man's religious opinions with public situations or civil employments, is so great a solecism in politics, that in saying so much as I have done to expose its absurdity, I have, indeed, what I said at setting out I should do, conformed myself rather to the importance than to the difficulty of the occasion, it would be sufficient it should be supposed, to state the proposition, in order to make it perceived; and since we find, that not only political but even religious interests are affected by this monstrous combination, which introduces and recommends a system of hypocrisy and deceit, it would ill become those, particularly, who are concerned in promoting the practice of morality, to wish to entertain any longer so pernicious a support.

The person who so strongly inculcated and propagated *the alliance between church and state*, was a man of a strong understanding; but of an eccentric character: I allude to Bishop Warburton. He supposed, that the state was to protect the church; and that, in return, the church was to serve the state. Decent and honourable alliance!

To this confederacy civil liberty was to be sacrificed; and in order that the church should increase or maintain its usurpations, all its weight and influence was to be turned into the scale of government, in order that government should also increase or maintain its usurpations. In both cases the people would suffer; restrained in their opinions by an insolent priesthood, or limited in their actions by arbitrary and oppressive laws: but the learned Bishop has not yet condescended to inform us from what sources this baneful system was derived; and we can only embrace it by an implicit and blind obedience to his single authority.

If indeed we turn back to the origin of Christianity, we should perceive what different conclusions would be derived from the principles and from the practice of the first missionaries of divine truth. The church at that time, while yet in the enjoyment of its primitive simplicity, and still bearing the stamp of its Founder, was well satisfied if it could be allowed, in silent obscurity, to propagate its doctrines, and to increase its profelytes. It made no bold pretensions to an alliance with the state; but alternately persecuted and tolerated by the state, it acquired strength and vigour equally from its misfortunes and from its prosperity; from its firmness in misfortunes, and from its moderation in prosperity. It was not until the corruption of Christianity,

anity, and a general dissolution of morals had taken place in the empire, that the church mingled in the affairs of government, and that churchmen, quitting those silent paths which had been prescribed to them by their holy institution, either disturbed the councils, or more often co-operated with the oppression of the civil magistrate.

Let us then, disdaining to imitate the corrupt examples which history has furnished us with, revert to the first principles of the sacred institution; and let us learn from thence that any alliance, or any attempt of alliance, between church and state, is equally wicked and preposterous.

It is indeed clearly ascertained by the experience of history, that religion requires for her support no external aid; adorned only with her native graces of truth and simplicity, she depends but upon these, and establishes herself in the affections, and not in the fears or in the interests of mankind.

But lest it should be suspected that I am desirous of reducing things to too great a simplicity, and of stripping the Church of those ornaments which she is in possession of, and which custom and prescription have rendered perhaps necessary but to be left, is certainly proper

proper to her existence, according to the present course of things, I must beg leave to be understood, that I am a friend to the whole of the Church establishment. I wish the Church should be maintained in its privileges, in its dignities, in its possessions; but I wish that she should be satisfied with the advantages which are proper to her; and that she should not rest her interests in the grievances of her fellow-citizens. She should reflect, that departing from the mild spirit of her institution, she would exasperate resentments, and thus prepare the seeds of misfortune at some future day.

If the Church in France had embraced and practised at all times the principles of Toleration; if, instead of a haughty overbearing conduct, she had substituted a mild and unassuming demeanour; if, though raised by power to a superiority over the other orders of the state, she had affected an equality, and had been content to descend from her station, while she yet preserved it, the envy of the people would not have been excited; and though she might have sacrificed something, she would not be entirely subverted.

I am not fond of recurring to events long since past away, and of connecting them in the fatal chain with the events of the day;—but if I were disposed to this mode of superstition, I should assert that

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the distress of the Clergy of France is a judgment inflicted upon them on account of the revocation of the Edict of Nantz; while the Church was tolerating, there was no danger to her establishment; when she grew intolerant, the heaven began to work: and though a large portion of time has elapsed before the evil was fully prepared, she is at last overwhelmed by the greatness of it. She first filled all Europe with her artizans and manufacturers, by her intolercancy; and she is at last herself the victim of it.

Sir, notwithstanding it should seem that toleration is founded in reason, in humanity, and in practice, I am sorry to observe, that even in this country, which is supposed to be the seat of liberality, toleration is but of late date; it is not long since a bill for that purpose passed this House; but this bill, humane in its object, and salutary in its end, was yet rejected twice, but a very few years ago in the House of Lords. By what influence this bill was twice rejected in the Lords, it is not necessary or proper I should state, even tho' I could name it; it is sufficient that there is an influence which opposes and would counteract every effort which should be made for extending the laws in favour of religious freedom.

But

But there is not only this influence which prevails within, but undue means have been used without doors, to prejudice this cause, by alarming the fears of the people; and by an interference of a most unconstitutional nature. It has been confidently said, though I hope the report is not founded in truth, that a Right Reverend Bishop, to whose labours the republic of letters is greatly indebted, has thrown aside the decency which should characterize his situation, and has publicly avowed himself, by a circular letter to his Clergy, the leader and instigator of party dissensions. However I may reverence the talents of that learned Prelate, it is impossible upon this occasion to pass by his conduct, without marking it with a decided censure, though I should hope, that this charge against him does not deserve all the credit which is very generally bestowed upon it.

Another person to whom I would likewise wish to allude, (since sentiments of propriety should not be confined to Clergymen of any particular persuasion, and decorum should be equally practised by all) is a *Dissenting Minister*.—While I disapprove of the conduct, if report speaks true, of a Right Reverend Bishop, I must, for the sake of equal justice, express my opinion of the conduct of Dr. Price:—I as little think that the pulpit in one case, as that situation in the other, should be the means of trumpeting about political opinions; and however I may sometimes ap-

prove of such opinions delivered from the pulpit, in the abstract, I cannot help thinking that they would much better become my speech in parliament than Dr. Price's sermon; nor can I forbear observing, that when the pulpit becomes the vehicle of a personal libel, a holy rite is profaned, and a most just and public disapprobation should mark and discountenance so great an indecency.

But to return.—In submitting a question of this nature to the House, I must intreat, it should be remembered by gentlemen, that a very important distinction prevails between this, and most other questions which are submitted to their deliberation; other cases in general relate to the community at large. The Members themselves are affected by the result of their own counsels; their own interests, their own passions, their own prejudices are concerned; and injustice would scarcely ever be done or maintained when such powerful advocates are opposed to it. But the House should be particularly cautious in such deliberations, by the result whereof they are not, but only a distinct body of men is, immediately concerned. They should remember, that upon such an occasion the same guards are not imposed upon their conduct as upon most others; and that custom, and prejudice, and interest, would sometimes co-operate with injustice, and help to maintain the grievance of which, as they were not affected by it, they would not be competent judges.

judges. That men should submit to the institutions of their country, established by lawful authority, is an axiom not to be disputed; but let not this doctrine be pushed too far, as it is attempted to be done in this case; and let it not be urged, that a large body of men who think themselves aggrieved, have no right to complain, and to use those means for obtaining redress which the constitution has granted them: let not passive obedience be confounded with rational and legal submission.

Having detained the House so long, I would scarcely venture to obtrude myself any longer upon their indulgence: a few more words, however, I would wish to say; and as they are about myself, the House will be easily persuaded that they will be but a very few.

In the course of my public life, it has generally been my fortune to act with certain individuals, with whom I have rarely disagreed in my political sentiments. The great outline of our conduct has been carefully conformed to the maxims of civil liberty; for which reason, and for our personal adherence, we have been called Whigs, and denominated a party. Appellations of any kind, when earned by such honourable distinctions, I am not desirous of disclaiming;—but the name of a Whig is a name most peculiarly dear and interesting to my feelings. It however, has unfortunately happened, that my Right Honour-

Honourable friend, Mr. Burke, and myself have differed upon this occasion ; nor can I make a greater sacrifice to truth and justice, than by avowing and maintaining any difference with that Right Honourable Gentleman.

It has been imputed to me, that, like a second Oliver Cromwell, I have been desirous of subverting the monarchy ; it will again perhaps be imputed to me, that, like the same person, I am willing to pull down the church : but calumnies, Sir, have now ceased to make any impression upon my mind ; and though it is probable that I shall be opposed by the Church, as I have been by the Dissenters, yet, if the case should ever happen that the Church should call for my assistance on an occasion where truth and right shall be ranged under its banners, I shall give my resentments to the winds, and come forward a willing and zealous advocate in its favour.

Sir, I move, That the House do immediately resolve itself into a committee of the whole House, to consider of so much of the said acts, as requires persons, before they are admitted to any office, civil or military, or any place of trust under the Crown, to receive the sacrament of the Lord's Supper according to the rites of the Church of England.

The whole of this Report of Mr. Fox's Speech, will be reprinted and published on Saturday, in The Weekly Parliamentary Register, and Political Miscellany, sold by J. RIDGEWAY.